IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

WP(C).No. 13284 of 2006(F)

AGAINST THE ORDER IN EP.10/2001 IN
ARC.880/1997 of MUNSIFF COURT, QUILANDY

.....

PETITIONER:

---

1. KARTHYAYANI AMMA, D/O.CHANDUKUTTY
KIDAVU, VARARUKANDI HOUSE, P.O.URALLUR,
QUILANDY.

2. V.RAMAN, S/O.KUNHICHEKKAN,
VARAPURATH, P.O.URALLUR, QUILANDY.

3. V.K.RAVI, VARAKKANDI HOUSE,
P.O.URALLUR, QUILANDY.

BY ADV. SRI.K.I.MAYANKUTTY MATHER
SMT.S.LAKSHMY

RESPONDENTS:

ARIKKULAM SERVICE CO-OPERATIVE
BANK, REPRESENTED BY ITS SECRETARY,
ARIKKULAM, QUILANDY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

Ext.P1:- True copy of the Execution Petition No.10/2001 in ARC 880/97-98 Munsiff Court, Quilandy.

Ext.P2:- True copy of the Circular No.9/2006 issued by the Registrar, Co-operative Department, Thiruvananthapuram.

Ext.P2(a):- True copy of the Circular No.10/2006 issued by the Registrar, Co-operative Department, Thiruvananthapuram.

Ext.P3:- True copy of the order in E.A.283/2006 in E.P.10/2001 in ARC 880/97-98 Munsiff Court, Quilandy.

/true copy/

M.SASIDHARAN NAMBIAR,J.

==========

W.P.(C) NO.13284 OF 2006

==========

Dated this the 14th day of December,2006

JUDGMENT

Petitioners are judgment debtors and respondent the decree holder. As per award ARC 880/97-98 more than Rs.12,000/- is due to the respondent society. E.P.10/01 was filed by respondent before Munsiff Court, Quilandy for realisation of that amount. In the E.P. petitioners filed E.A.283/06 for stay of execution of the proceedings contending that petitioners are entitled to get the benefit of the circular No.9/06 issued by the Government. Under Ext.P3 order, the petition was dismissed. It is challenged in this petition filed under Article 227 of the Constitution of India.

2. Though notice was served on the respondent, respondent did not appear.

3. Learned counsel appearing for petitioners was heard. Learned counsel appearing for

petitioners made available Circular No.27/06 issued by the Registrar, Co-opertive Societies whereunder debtors of agricultural loan advanced by the Co-operative Society were granted benefits including one time settlement even by instalments. The case of the petitioners is that the amount due under the award is under an agricultural loan. In view of the circular enabling petitioners the benefit provided by the Registrar of Co-operative Societies, petitioners are permitted to file a representation before the respondent society to get the benefit provided thereunder. The representation has to be filed within two weeks from this day. If such an application is filed, the Registrar has to consider the same and pass appropriate orders in accordance with law within thirty days from the date of receipt of the representation. Learned Munsiff, Quilandy is directed to stay the proceedings in the execution petition for two months.

Writ Petition is disposed as above.

M.SASIDHARAN NAMBIAR
JUDGE

tpl/-

M.SASIDHARAN NAMBIAR, J.

W.P.(C).NO. /06

JUDGMENT

SEPTEMBER,2006